

REMARKS

Prior to this amendment, claims 1-39 were pending in the application. By this amendment, claims 1, 3, 4, 16, 23-31 have been cancelled; claims 2, 5-11, and 32-36 have been amended; and claims 40-52 are new. Thus, claims 2, 5-15, 17-22, 32-52 are in the case

In new claim 40, basis for the term "wherein a said substituent is not further substituted" is found, for example, on pages 14-17 of the application as filed, in description of compounds (2), (3), (4) and (5). Claim 41 has basis, for example, in claim 2 as filed. Claims 42 and 43 have basis, for example, in claims 6 and 7 as filed. Claims 44-48 have basis, for example, in claims 11-15 as filed. Claims 49 and 50 have basis, for example, in claims 17 and 18 as filed. Claims 51 and 52 have basis, for example, in claims 8 and 9 as filed.

Claims 8 and 9 have been amended for greater clarity to recite that PhenIm is imidazo[4,5-f]-1,10]phenanthroline. Basis for such definition can be found on pages 14-17 of the application as originally filed.

Accordingly, all claims as presented herein are fully supported by the application as filed and entry of the amendment is respectfully requested.

Applicants offer the following remarks in response to comments made in the Office Action.

Applicants thank the Examiner for noting at page 3, line 1 of the Office Action that "withdrawn process claims will be considered for rejoinder upon allowance of a product claim". Method of synthesis claims 8 and 9 have been amended to be commensurate in scope with compound claim 5. New method of synthesis claims 51 and 52 are commensurate in scope with compound claim 40. In particular, according to the recited definition of PhenIm in claims 8, 9, 51 and 52, atoms corresponding to X^1-X^4 of formula 1 are nitrogen. This fulfills the notation by the Examiner on page 2 of the Restriction Requirement dated August 15, 2006, wherein the Examiner noted that "PhenIm" be limited to compounds of formula (1) in which each of X^1-X^4 is nitrogen.

The Examiner rejected claim 10 under 35 U.S.C. § 112, second paragraph, as allegedly

being indefinite. The Examiner was of the opinion that the abbreviations and numbers used to identify the members of the Markush group are not clear. Applicants have amended claim 10 to recite the full names of the compounds and their numbers as found on pages 14-17 of the disclosure. Applicants respectfully request withdrawal of the rejection and reconsideration of claim 10.

The Examiner rejected claims 1-7 under 35 U.S.C. § 102(b) as allegedly anticipated by Sun *et al.*, *Chem. Commun.* (2003) 702-703 and particularly by two compounds in Scheme 1 on page 702. Applicants traverse this rejection. However, in an effort to expedite prosecution, Applicants have cancelled claims 1, 3 and 4 and amended claims 2, and 5-7. Claim 5 has been written in independent form, and claims 2, 6 and 7 have been amended to depend from claim 5. Applicants respectfully request withdrawal of the rejection and reconsideration of claims 2, and 5-7.

The Examiner rejected claims 1-4, 6, 7, 11-14, 17 and 18 under 35 U.S.C. § 102(b) as allegedly anticipated by JP 2001-23777. Applicants traverse this rejection. However, in an effort to expedite prosecution, claims 1, 3, and 4 have been cancelled. Claims 2, 6, 7 and 11 have been amended so that all of claims 2, 6, 7, 11-14, 17 and 18 ultimately depend from claim 5, which the Examiner did not include in this rejection in view of JP 2001-23777. Applicants respectfully request withdrawal of the rejection and reconsideration of these claims.

The Examiner rejected claims 1-4, 6, 7, 11-14, 17 and 18 under 35 U.S.C. § 103(a) as allegedly obvious in view of JP 2001-23777. As discussed above, Applicants have cancelled claims 1, 3, and 4 and amended claims 2, 6, 7 and 11 such that claims 2, 6, 7, 11-14, 17 and 18 depend from claim 5, which the Examiner did not include in this rejection in view of JP 2001-23777. Applicants respectfully request withdrawal of the rejection and reconsideration of claims 2, 6, 7, 11-14, 17 and 18.

Applicants thank the Examiner for allowing claims 19-22. Applicants also thank the Examiner for stating that if claim 10 were limited to the chemical names of the four compounds of the formulae set forth on pages 14-17 of the specification, it would also contain patentable subject matter. Applicants have amended claim 10 to recite the chemical names in addition to their respective designated numbers.

The above amendments should not be construed as an acquiescence to any of the outstanding rejections and are being made for the purpose of expediting prosecution. Applicants reserve the right to file the same or similar claims in this application or another application.

Applicants believe that the total number of claims, after the cancellation of prior claims and addition of new claims, has remained the same as that previously paid for. However, should this belief be in error, any additional claims fees may be charged to Deposit Account 17-0110. Applicants also believe that the number of independent claims has been increased by one, and the corresponding fee, and any fees that may be required in respect of this Response and Amendment, may be charged to Deposit Account 17-0110.

In view of the foregoing, Applicants submit that the pending claims are now in condition for allowance and respectfully request same. Should the Examiner wish to discuss this Response and Amendment, or the application, she is requested to telephone Carol Miernicki Steeg, agent for applicants, at 613-533-2342.

Respectfully submitted,



Carol Miernicki Steeg
Reg. No. 39,359

PARTEQ Innovations
Room 1625, Biosciences Complex
Queen's University
Kingston, Ontario
Canada K7L 3N6

Phone: (613) 533-2342
Facsimile: (613) 533-6853